

DOCKET NO.: ISIS-4824**PATENT****REMARKS**

The Applicants thank the Examiner for his time and courtesy during the interview on April 19, 2005.

Claims 28-39 are pending in the current case. Claims 28-29 have been cancelled. Claim 30 has been amended per the discussions during the interview. This amendment is supported by paragraph 0017 of the specification. No new matter has been added. The Applicants submit that in view of the foregoing amendment and following comments that the case is now in proper form for allowance.

Claims 28-29 are rejected under 35 USC 112, paragraph 2. Claims 28-29 have been canceled; therefore, the rejection is traversed.

Claims 28-36, 38 and 39 are rejected under 102(b) as being anticipated by McKay (USP 5,877,309). The Applicants submit that the current claim is not anticipated by McKay who teaches only monolithic formulations in which the various components are mixed homogeneously. Claim 30 teaches a method using two populations of carrier particles which is clearly distinct from the teachings of McKay; therefore, the rejection of the claim 30 under 35 USC 102 (b) is traversed. As the remaining pending claims in the rejection are dependent, either directly or indirectly on claim 30, they are also not anticipated by McKay. Therefore, the rejection of claims 30-36, 38 and 39 under 35 USC 102(b) is traversed.

Claims 30, 33 and 37 are rejected under 35 USC 103(a) for obviousness over McKay in view of Bennett (USP 5,514,788). The Applicants submit that McKay does not make obvious the use of two populations of carrier particles as claimed in the instant invention, and that this deficiency is not overcome by the teachings of Bennett. Therefore, claim 30 is not obvious over McKay in view of Bennett. As claims 33 and 37 are dependent on the non-obvious claim 30, they are also not obvious in view of the references. Therefore, the rejection of claims 30, 33 and 37 under 35 USC 103(a) is traversed.

FEES

The Applicants hereby authorize the Examiner to charge the fee for a Request for Continued Examination, small entity, to Deposit Account 50-0252 referencing case number ISIS-4824. It is believed that no further fees are due. However, if an additional fee is due, the Commissioner is hereby entitled to charge the Deposit Account listed above.

DOCKET NO.: ISIS-4824

PATENT

CONCLUSION

The Applicants submit that the application is now in proper form for allowance. If the Examiner believes that there are any outstanding issues remaining in the case, he is encouraged to contact the Agent for Applicant listed below to discuss the matter.

Respectfully submitted,



Colleen J. McKiernan, PhD
Agent for Applicant
Registration No. 48,570

Date: June 22, 2005

ISIS PHARMACEUTICALS, INC
1896 Rutherford Road
Carlsbad, CA 92008
Ph: 760-603-2722
Fax: 760-603-3820